

BOARD ACTION  
JUNE 21, 2005

	<b>Reception for New County Manager, Cindy Hall</b>	
CONSENSUS	Commr. Cadwell reported that some of the cities throughout the State and in Lake County are looking at some of those zoning rules in regards to the sexual predators, and he would hope that they would wait and let our County and City attorneys talk about this issue. The County has an obligation to protect everybody in Lake County, and he feels that some of the laws that have been passed are not going to stand up in court and, since this is a countywide issue, he would suggest that the County Attorney and city attorneys discuss this issue first and see if there is anything they need to do to strengthen the rules.	CADWELL
APPROVED	Minutes of May 20, 2005 – Special Meeting – Budget Retreat, as presented.	WATKINS
APPROVED	<p><b>Tab 1</b> - Contractor Bonds, as follows:</p> <p><u>New:</u></p> <p>6022-05 Alvin Barnett dba Barnett Construction, Inc. (Duplicate)  6106-05 Charles N. Hemsley dba REW Landscape Corporation  6381-05 Robert Potter dba RW Potter Construction, Inc.  6382-05 Stephen V. Flickinger dba C &amp; S Electrical Services, Inc.  6383-05 Design &amp; Development Enterprises, Inc. dba Clermont Security &amp; Sound, Andrea Thompson  6384-05 Stanley Etayo dba Stan's Plumbing Services, Inc.  6385-05 Frankie D. Colburn dba Franky's Electric, Inc.  6386-05 Ricky Ridenhour dba Ridenhour Concrete &amp; Supply, Inc.  6387-05 Don Galbreath dba Site-Crete Construction, Inc.  (Concrete, Construction &amp; Landscape.</p> <p><u>Rider</u></p> <p>6388-05 Change bond number from OFL551772 to OFL551771 and Change name of the principal to: Arto Enterprises Inc dba Tod Orazi Heating &amp; Cooling</p>	WATKINS
ACKNOWLEDGED RECEIPT	<b>Tab 2</b> - List of warrants paid prior to this meeting, pursuant to Chapter 136 of the Florida Statutes, which shall be incorporated into the Minutes as attached Exhibit A and filed in the Board Support Division of the Clerk's Office.	WATKINS
ACKNOWLEDGED RECEIPT	<b>Tab 3</b> - Notice of Taxing Authority – Pursuant to Section 163.346, Florida Statutes, the Mascotte City Council gives its notice to adopt a resolution approving and adopting a community redevelopment plan for the community redevelopment agency created by Resolution No. 2005-03-350 adopted on April 11, 2005, and the community redevelopment area described in Resolution	WATKINS

	<p>No. 2005-03-349 adopted on February 11, 2005. The public hearing will be held on June 13, 2005, beginning at 6:30 p.m., or as soon thereafter, at the Mascotte Civic Center, Mascotte, Florida.</p> <p>Notice to Taxing Authorities – Pursuant to Section 163.346, Florida Statutes, the Mascotte City Council gives its notice to adopt an ordinance pursuant to Section 163.387(1), Florida Statutes, creating and establishing a redevelopment trust fund for the community redevelopment agency created by Resolution No. 2005-03-350 adopted on April 11, 2005, and the community redevelopment area as described in Resolution No. 2005-06-352 adopted June 13, 2005, and providing for the funding of such trust fund. The public hearing will be held on June 27, 2005, beginning at 6:30 p.m., or as soon thereafter as possible, at the Mascotte Civic Center in Mascotte, Florida.</p>	
ACKNOWLEDGED RECEIPT	<p><b>Tab 4</b> - Before the Florida Public Service Commission – Notice of Commission Hearing and Prehearing to KMC Telecom III LLC, KMC Telecom V, Inc., KMC Data LLC, Sprint-Florida, Incorporated and All Other Interested Persons – Docket No. 041144-TP – Complaint Against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for Alleged Failure to pay Intrastate Access Charges Pursuant to Its Interconnection Agreement and Sprints Tariffs and for Alleged Violation of Section 364.16(3)(A), F.S., by Sprint-Florida, Incorporated – Public Hearing will be held July 12, 2005, as noted; Prehearing Conference will be held June 20, 2005, as noted.</p>	WATKINS
ACKNOWLEDGED RECEIPT	<p><b>Tab 5</b> - Received from the City of Mascotte – Ordinance No. 2005-05-381 Annexing Certain Real Property into the City of Mascotte Upon the Voluntary Petition of the Owner Filed by Lynn Giddens, as described; and by Lisa Anne Gonzalez Estate (Nicole Booth and Christopher A. Gonzalez, a Minor), as described.</p>	WATKINS
ACKNOWLEDGED RECEIPT	<p><b>Tab 6</b> - Received a copy of the City of Clermont’s Comprehensive Annual Financial Report for the fiscal year ended September 30, 2004, in accordance with Section 163.387(8) of the Florida Statutes regarding Redevelopment Trust Funds.</p>	WATKINS
PULLED	<p><b>Tab 7</b> - Satisfaction of Judgment - State of Florida vs. Donald Owen Nuzum, in the amount of \$50.95, Case No. 2002-CF-002276, fully releases and discharges the Order Assessing Additional Charges, Costs and Fines against Donald Owen Nuzum. This Order entered on the 3<sup>rd</sup> day of February, 2003, and recorded in OR Book 02290, Pages 32-33, of the Public Records of Lake County, Florida. Lake County acknowledges receipt of full payment of said indebtedness and hereby acknowledges satisfaction of said Order and directs the Clerk of said Circuit Court of the Fifth Judicial Circuit, in and for the State of Florida, to cancel the same of record. <b>This item to be rescheduled.</b></p>	WATKINS

ACKNOWLEDGED RECEIPT	<b>Tab 8</b> - Proposed Operating Budget for Fiscal Year 2006, for the Deer Island Community Development District, in accordance with Chapter 190.008(2)(b) of the Florida Statutes.	WATKINS
APPROVED	<b>Tab 3- 1</b> - Budget transfer – County Transportation Trust Fund, Department of Public Works, Road Operations Division. Transfer \$100,000.00 from Road Repair and Maintenance to Road Materials and Supplies. Additional material (such as limerock, asphalt emulsion, rock and sod) has been used this year for road repairs. Additional funds needed for the remainder of the year. Funds available in Road Repair and Maintenance. One budgeted drainage improvement project (Montclair Subdivision \$100,000.00) qualifies for the use of stormwater funds, leaving funds available for this transfer.	FRAZIER
APPROVED	<b>Tab 3 – 2</b> - Budget transfer – County Transportation Trust Fund, Department of Public Works, Road Operations Division. Transfer \$40,000.00 from Contractual Services to Professional Services. Additional funds are needed for engineering consulting services related to surveying, drainage, and geotechnical repairs or improvements. Funds available in Contractual Services, which will leave a remaining balance after this transfer of \$123,105.00.	FRAZIER
APPROVED	<b>Tab 3 – 3</b> – Request from Budget for a budget transfer – Renewal Sales Tax Capital Projects Fund, Department of Public Works, Special Services Division. Transfer \$38,550.00 from Resurfacing to Sidewalks. The Sidewalks account has a balance of \$439,900.00. The South Lake Trail project is budgeted at \$401,155.00, leaving a balance of \$38,745.00. The CR-48 sidewalk project requires \$77,295.00 to complete with additional LAP funding. Additional funds of \$38,550.00 are needed to complete the project. Funds available in Resurfacing account, which has a balance of \$1,116,722.00.	FRAZIER
APPROVED	<b>Tab 3 – 4</b> – Request from Budget - Capital Substitution – General Fund, Office of Information Technology. Substitute funds of \$34,854.00 within Machinery and Equipment. Funds needed for disk array (\$21,548.00 – to backup data) and a laptop computer (\$2,523.00 – configure with server images). Funds are also needed for a firewall (\$4,386.00), firewall appliance (\$5,015.00), and server for secure gateway firewall (\$1,382.00) for new fiber connectivity and network configuration. Funds available in Machinery and Equipment from funds budgeted for network gateway security appliance.	FRAZIER
APPROVED	<b>Tab 4</b> – Request from Budget for approval and authorization to execute Resolution 2005-95 which initiates the annual process for preparation of the Assessment Roll, authorizes the publication of the advertisement for the public hearing, provides direction to notice all affected parties of the proposed rates, and directs the imposition of Fire and Rescue Assessment fees for the Fiscal Year	FRAZIER

	beginning October 1, 2005.	
APPROVED	<b>Tab 5</b> – Request from Community Services for approval to grant the City of Leesburg \$500,000.00 from the Library Impact Fee Fund for the Leesburg Public Library construction project, as recommended by the Lake County Library Advisory Board, and approval and signature of an accompanying Interlocal Agreement for payment of the funds to the City, pending County Attorney approval; and approval of related budget transfer from Reserves in the amount of \$500,000.00.	SMITH
APPROVED	<b>Tab 6</b> – Request from Community Services for approval to subscribe to online reference databases through Thomas/Gale for the Lake County Library System. Fiscal Impact noted: \$49,820	SMITH
APPROVED	<b>Tab 7</b> – Request from Community Services for approval of distribution of Byrne grant funds among seven local jurisdictions; signature on seven original letters of support; approval for submission of applications for the Sheriff for School Resource Officer III and Technology Improvement Program I; and signature on grant documents including application, certificate of acceptance, EEO certifications, and subsequent grant related documents (contingent on County Attorney review and approval).	SMITH
APPROVED	<b>Tab 8</b> – Request from Community Services for approval to submit Drug Free Communities grant application, made available through the Florida Department of Law Enforcement, in the amount of \$45,000.00, contingent upon County Attorney review.	SMITH
APPROVED	<b>Tab 9</b> – Request from Economic Development for approval and execution of a Real Estate Purchase and Sales Agreement between Lake County and RealVest Development, LLC for the Purchase of Lot 3 and a portion of Lot 4, Phase I, Christopher C. Ford Commerce Park consisting of approximately 23 acres at \$50,000.00 per acre or approximately \$1,150,000.00.	MIHALIC
APPROVED	<b>Tab 10</b> – Request from Environmental Services for approval and authorization of the Initial Assessment Resolution 2005-96 for Collection, Management, and Disposal of Solid Waste and Recovered Materials for Fiscal Year 2005-2006 and each fiscal year thereafter until discontinued or changed.	HARDY
APPROVED	<b>Tab 11</b> – Request from Procurement Services for approval to award the contract for Construction of a Fishing Pier at Lake Idamere to Schippers Marine Construction, Inc. in accordance with Bid Number 05-022 at a cost of \$77,112.00; and also approval of a Budget Transfer in the amount of \$52,500.00.	FRAZIER
APPROVED	<b>Tab 12</b> – Request from Public Works for approval and authorization to return funds for maintenance in the amount of \$10,682.00 posted for Sugarloaf Meadows. Sugarloaf Meadows consists of 10 lots – Commission District 3.	STIVENDER
APPROVED	<b>Tab 13</b> – Request from Public Works for approval and	STIVENDER

	authorization to release a Letter of Credit for Maintenance in the amount of \$13,200.00 posted for Bridges Glen. Bridges Glen consists of 15 lots – Commission District 3.	
APPROVED	<b>Tab 14</b> – Request from Public Works for approval and authorization to accept the final plat for Harbor Hills Phase 4 and all areas dedicated to the public as shown on the Harbor Hills Phase 4 plat. Harbor Hills Phase 4 consists of nine lots – Commission District 5.	STIVENDER
APPROVED	<b>Tab 15</b> – Request from Public Works for approval to enter into an Interlocal Agreement between the City of Mount Dora and Lake County for traffic signal maintenance. Fiscal Impact noted: \$4,917.27	STIVENDER
APPROVED	<b>Tab 16</b> – Request from Public Works for approval and signatures on the Tentative Work Plan Budget for Arthropod Control for Fiscal Year 2005-2006. Fiscal Impact noted: \$38,025	STIVENDER
APPROVED	<b>Tab 17</b> – Request from Public Works for approval and authorization to release a Performance Bond in the amount of \$273,108.00; release a Performance Bond in the amount of \$3,581,361.85; accept a Maintenance Bond in the amount of \$362,554.65; execute a Developer's Agreement for Maintenance of Improvements between Lake County and FL Land Partners, LLC; and execute Resolution 2005-97 accepting the following roads into the County Road Maintenance System: Green Forest Drive (County Road Number 5586), Deep Springs Loop (County Road Number 5586A), Wagonwheel Court (County Road Number 5586B), Green Gardens Court (County Road Number 5786), Greenwood Crossings (County Road Number 5885), Ridge Link Road (County Road Number 5986), Panther Ridge Road (County Road Number 5984B), High Pines Drive (County Road Number 6086), Pinegate Trail (County Road Number 6086A), and Totem Pole Terrace (County Road Number 6087A) all relating to Lakewood Ranches. Lakewood Ranches consists of 149 lots – Commission District 5.	STIVENDER
APPROVED	<b>Add. No. 1 – I.A.1.</b> – Request from Employee Services for approval to advertise changes to the positions designated by Lake County for inclusion in the Florida Retirement System (FRS) Senior Management Service Class. This is being recommended as a result of re-assignments and title changes occurring in the past 18 months. Provisions contained in Chapter 121 of the Florida Statutes and Chapter 60S of the Florida Administrative Code require newspaper notice and elected body approval of any deletions from and/or additions to the list of employees in the FRS Senior Management Service Class.	WALL
NO ACTION TAKEN	<b>PRESENTATION:</b> Update of Florida Yards & Neighborhoods Program in Lake County by Teresa Watkins, University of Florida/IFAS	

NO ACTION TAKEN	<b>PRESENTATION:</b> Guardian Ad Litem Program by Lalenya J. Robertson, Chair of Advocating for Kids, Inc.	
NO ACTION TAKEN	<b>PRESENTATION:</b> Proclamation 2005-80 (approved 5-17-05) to P. H. Polk	
	<p><b><u>CITIZEN QUESTION AND COMMENT PERIOD</u></b></p> <p>Mr. Jay Crawford, Country Club of Mount Dora, asked the Board for their support in erecting a noise abatement wall for a three-tenths of a mile in an area adjacent to the Country Club of Mount Dora when Britt Road is improved.</p> <p>Mr. Ed Gresham, Country Club of Mount Dora, explained that his home backs up to Britt Road, and he asked the Board for their support of the noise abatement wall, as noted.</p> <p>It was noted that Public Works will address this during the design phase.</p>	STIVENDER
	<p>Mr. Roy Hunter discussed 3-1-1 – the direct line to local government services.</p> <p>Mr. Bruce Thorburn, Public Safety Communication Systems Director, explained that there was a 2-1-1 bill (non-emergency 9-1-1 system for medical/health or community affairs issues) passed in the legislature this year with \$5 million of seed money, which will not even pay for the Dade County system that is already in place. There is a coalition that has legislation which is the exact legislation that the County used in 1974 for 9-1-1 that imposes 50 cents on phone bills for 3-1-1, and the coalition is going to be voting in July to take this legislation forward and he will make sure that the Board members get copied on it. If 3-1-1 is funded properly they can very easily incorporate the 2-1-1 function into the same call center.</p>	THORBURN
	Mr. Travis Whigham wanted to 1) thank Commr. Cadwell for bringing forth the issue concerning sexual predators noting his concern that, if the cities force them out, then they will come to the County region; 2) the Lake Emma Road project will be coming to the Board on July 12, 2005 and he wanted to thank the Board; 3) he wanted to suggest that the developers pay for 100% of the impact from rezoning projects and changing land; he wanted to know if there was a way to legally get a new school superintendent and to address the impacts that the new Comprehensive Plan will have on a lot of the properties being developed, and the Board suggested that he get his comments to Ms. Amye King in Growth Management.	
APPROVED	<p><b>Tab 18</b> – Request from Budget for approval of the Capital Project Funding Recommendations for Fiscal Years 2005 through 2007.</p> <p><b>Noted updates:</b> Funding for the Capital Projects Staff Funding</p>	FRAZIER

	(\$570,000) was removed and will be funded out of the General Fund; PEAR Park grant has now been awarded (\$400,000) so that will be in the budget for next year; modifications for the BCC Records Storage Facility (\$509,200) may not be enough, so they may want to move some of the staff funding dollars to that area; they have moved \$2.4 million out of the facilities reserves which is being used right now for some road projects and that money will have to go back in order to maintain this listing over the next three years.	
APPROVED	<b>Tab 19</b> – Request from Budget to refund \$37,444 which deals with an appeal of denial for partial refund of impact fees on 16 town homes in Clermont Yacht Club to Edginton Enterprises, Inc., in accordance with Section 22-17 of Lake County Code.	FRAZIER
APPROVED	<b>Tab 20</b> - Appointment of Phillip Braun as Leesburg Regional Medical Center's <i>alternate member representative</i> , and R. Patton McConnell serving as <i>primary member representative</i> on the Comprehensive Health Care Committee.	WATKINS
APPROVED	<b>Tab 21</b> - Appointment of individual to vacant District 3 position on the Elder Council ( <i>rescheduled from June 6, 2005 BCC Meeting</i> ).	WATKINS
APPROVED	<b>Tab 22</b> – Request from County Attorney for approval to advertise Ordinance amending Chapter 18, Article III, Lake County Code relating to Special Assessment Program.	MINKOFF
APPROVED	<b>Tab 23</b> – Request from County Attorney for approval of Resolution 2005-98 instituting eminent domain proceedings for acquisition of new fire station site on CR 448 and Shirley Shores Road in the Lake Jem area and approval to proceed with the pre-suit negotiation offer.	MINKOFF
APPROVED	<b>Tab 24</b> - Authorization for the Chairman to sign any and all documents necessary to close the transaction for the purchase of Ferndale Preserve on Lake Apopka.	MINKOFF
APPROVED	<b>Tab 25</b> - Approval and execution of Resolution 2005-99 declaring the month of June as Safety Month in Lake County.	STIVENDER
NO ACTION TAKEN	Mr. Sandy Minkoff, County Attorney, reported that, in the case of Stevenot vs. Lake County, the appeal of the decision that the Board made for the expansion of the Marion Sand Plant off of CR 42, they have come to a settlement agreement. The County's part was relatively small and it was mostly the residents and Florida Rock Industries, however, the agreement does ask that the BCC reconsider the vacation of Umatilla Road (it was a rezoning case and a road vacation case). They have signed that agreement but none of it can be approved without coming back to the Board. Staff will be rescheduling that road vacation sometime in July, as well as the settlement agreement.	MINKOFF
NO ACTION TAKEN	Ms. Cindy Hall, County Manager, reported that staff has received notification from the Florida Emergency Preparedness Association that Jerry Smith has been awarded the Florida Professional	HALL

	Emergency Manager Designation, the highest honor of professional achievement available from the Association.	
NO ACTION TAKEN	Ms. Cindy Hall, County Manager, reported that she just received notification from Mr. Gary Kaiser, Director of Public Safety, that their ISO rating has improved, from 7-10 to 6-9.	HALL/ KAISER
FOR YOUR INFORMATION	Commr. Hill thanked Mr. Gary Kaiser, Director of Public Safety, for putting on the program yesterday for emergency management, and she asked him to relay that to Mr. Jerry Smith who did an excellent job putting that together.	KAISER
FOR YOUR INFORMATION	Commr. Pool reported that last week they had a West Orange-South Lake Transportation Task Force meeting. He explained that the Highway 50 corridor was their main concern, but their next project of great importance will be, on the Lake County side, the Hartwood Marsh corridor (east-west) and, on the Orange County side, the CR 535 corridor (north-south).	POOL
FOR YOUR INFORMATION	Commr. Hill noted that Commr. Pool has received the "Gem of the Hills" award from the Chamber.	HILL
FOR YOUR INFORMATION	Commr. Hill clarified that the dirt road inventory will be heard by the Board on July 12, 2005.	HILL
FOR YOUR INFORMATION	Commr. Hill noted that the Board wishes Commr. Cadwell good luck as he is inducted as President of the Florida Association of Counties.	HILL
	Ms. Cindy Hall, County Manager, thanked the Board for the very nice reception noting that it was a nice opportunity to see a lot of people from Lake County.	HALL